

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS A. KEARNEY

Plaintiff,

-v.-

Civil Action No.
1:14-cv-1446 (GLS/DEP)

BRIAN KOZLOSKI, *et al.*

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

THOMAS A. KEARNEY
Pro Se
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021

FOR THE DEFENDANTS:

No Appearance Made

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge David E. Peebles, duly filed
December 29, 2014. Following fourteen days from the service thereof, the

Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge David E. Peebles filed December 29, 2014 (Dkt. No. 5) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that, with the exception of the claim of extortion, plaintiff's complaint is accepted for filing; and it is further

ORDERED that plaintiff's extortion claim is **DISMISSED** with prejudice; and it is further

ORDERED that upon receipt from plaintiff of a separate summons and a copy of the complaint for each defendant, along with a USM-285 Form for each defendant, as required by the United States Marshal Service for service, the clerk of the court shall issues summonses and forward them, together with copies of the complaint, along with packets containing General Order No. 25, which sets forth this district's civil case management plan, to the United States Marshal for service upon the defendants. In addition the clerk is respectfully directed to forward a copy of the summonses and complaint by mail to the offices of the Village of Catskill Attorney and

Greene County Attorney; and it is further

ORDERED that the clerk is respectfully directed to provide the DOCCS with a copy of the plaintiff's authorization form and notify that agency that this action has been filed and that plaintiff is required to pay the entire statutory filing fee of \$350.00 pursuant to 28 U.S.C. § 1915; and it is further

ORDERED that the clerk is respectfully directed to provide a copy of plaintiff's authorization form to the financial deputy of the clerk's office; and it is further

ORDERED that the clerk is respectfully requested to schedule a Rule 16 conference, to be held in this matter by telephone in light of plaintiff's current incarcerated status; and it is further

ORDERED that a response to plaintiff's complaint shall be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure following service of process upon the defendants; and it is further


ORDERED that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the court or the clerk must be accompanied by a certificate showing that a true**

or correct copy of same was mailed to all opposing parties or their counsel. Any document received by the clerk or the court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing. Plaintiff must comply with any request by the clerk's office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned district judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the clerk's office and all parties or their counsel of any change in plaintiff's address; his failure to do so will result in the dismissal of this action;** and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance to the local rules.

IT IS SO ORDERED.

Dated: February 3, 2015
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court